

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14060 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SANT LILASHA SINDHI CO-OP HOUSING SOCIETY LTD

Versus

DEPUTY COLLECTOR

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Appearance:

None present for Petitioner

MR MUKESH PATEL for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/97

ORAL JUDGEMENT

The matter was called out for hearing in the first round then in the second round and lastly, in the third round but none put appearance on behalf of the petitioner.

Perused the Special Civil Application and heard the learned counsel for the respondents.

Rule. Shri Mukesh Patel waives service of rule on behalf of the respondents. The counsel for the respondents submitted that in this Special Civil Application challenge has been made by the petitioner to the order annexure 'A' dated 27th December, 1991, passed the respondent authority under the provisions of sec.32-A of the Bombay Stamp Act, 1958, against which order, the petitioner has a remedy available under the aforesaid Act, which has not been availed of, and as such, this writ petition is not maintainable. He has further submitted that in the cognate matters this Court has directed the petitioners therein to avail of the remedy available under the aforesaid Act.

In view of this fact, this Special Civil Application is disposed of in the terms that the petitioner may avail the remedy available under the aforesaid Act against the impugned order within a period of eight weeks from today. It will be open to the petitioner to raise all the contentions available, which shall be decided by the authority in accordance with law. If the remedy available is availed of within a period of eight weeks, the authority shall not raise any objection with regard to delay. However, in case the remedy available to the petitioner under the Act is not availed of within a period of eight weeks from today then this Special Civil Application shall stand dismissed and rule shall stand discharged automatically without reference to the Court. The Special Civil Application and rule stands disposed of in the aforesaid terms with no order as to costs.

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